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16 Attorneys for WAYMO LLC

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 vs.

23 UBER TECHNOLOGIES, INC.;
24 OTTOMOTTO LLC; OTTO TRUCKING
25 LLC,

26 Defendants.

27
28 **DECLARATION OF JEFF NARDINELLI
IN SUPPORT OF PLAINTIFF WAYMO
LLC'S MOTION FOR LEAVE TO FILE
AMENDED LIST OF ELECTED TRADE
SECRETS, SUPPLEMENTAL EXPERT
REPORTS AND REVISED WITNESS
AND EXHIBIT LISTS**

1 I, Jeffrey W. Nardinelli, hereby declare as follows.

2 1. I am a member of the bar of the State of California and an associate with Quinn
3 Emanuel Urquhart & Sullivan, LLP (“Quinn Emanuel”), counsel for Plaintiff Waymo LLC
4 (“Waymo”). I make this declaration of personal, firsthand knowledge, and if called and sworn as a
5 witness, I could and would testify competently as follows.

6 2. Stroz Friedberg (“Stroz”), a non-party to this action, produced the report it prepared
7 in connection with the due diligence by Defendants Uber Technologies, Inc. (“Uber”) and
8 Ottomotto LLC (“Ottomotto”) into Uber’s potential acquisition of Ottomotto (the “Stroz Report”)
9 and exhibits thereto on September 13, 2017. Additional materials, including communications,
10 documents, and laptops and other devices previously withheld from production to Waymo
11 (collectively, the “Stroz Materials”) were produced on a rolling basis starting on September 18,
12 2017.

13 3. The Stroz Report and Stroz Materials were not available to Waymo prior to
14 production of these materials as described in paragraph 2 above.

15 4. The handwritten notes located on Don Burnette’s laptop computer and stored at
16 Stroz (Dkt. 2011-9) were produced by Stroz on September 30, 2017.

17 5. According to metadata provided by Stroz, Mr. Burnette’s handwritten notes,
18 produced at STROZ_R_000178982, were recovered from Evidence Identifier E030A,
19 corresponding to Mr. Burnette’s laptop computer.

20 6. Attached as Exhibit 1 is a true and correct copy of the October 23, 2017
21 Supplemental Expert Report of Lambertus Hesselink, Ph.D.

22 7. Attached as Exhibit 2 is a true and correct copy of Waymo’s October 23, 2017
23 Supplemental List of Elected Trade Secrets.

24 8. Attached as Exhibit 3 is a true and correct copy of the October 23, 2017 Expert
25 Report of Jonathan P. How.

26 9. Attached as Exhibit 4 is a true and correct copy of a document bearing bates
27 number STROZ_R_000178977.

1 10. Attached as Exhibit 5 is a true and correct copy of a document bearing bates
2 number WAYMO-UBER-00144445.

3 11. Attached as Exhibit 6 is a true and correct copy of Exhibit 5 to the Stroz Report,
4 which was produced bearing bates number UBER00312509.

5 12. Attached as Exhibit 7 is a true and correct copy of Exhibit 7815 to the September
6 29, 2017 deposition of Eric Tate.

7 13. Attached as Exhibit 8 is a true and correct copy of the June 19, 2017 deposition of
8 Cameron Poetscher.

9 14. Attached as Exhibit 9 is a true and correct copy of Exhibit 23 to the Stroz Report,
10 which was produced bearing bates number UBER00312684.

11 15. Exhibit 10 is intentionally omitted.

12 16. Attached as Exhibit 11 is a true and correct copy of Exhibit 7820 to the September
13 29, 2017 deposition of Eric Tate.

14 17. Attached as Exhibit 12 is a true and correct copy of Exhibit 7803 to the September
15 29, 2017 deposition of Eric Tate.

16 18. Attached as Exhibit 13 is a true and correct copy of Exhibit 7760 to the September
17 29, 2017 deposition of Cameron Poetscher.

18 19. Exhibit 14 is intentionally omitted.

19 20. Exhibit 15 is intentionally omitted.

20 21. Attached as Exhibit 16 is a true and correct copy of Exhibit 7669 to the September
21 30, 2017 deposition of John Gardner.

22 22. Attached as Exhibit 17 is a true and correct copy of Exhibit 7670 to the September
23 30, 2017 deposition of John Gardner.

24 23. Attached as Exhibit 18 is a true and correct copy of Exhibit 17 to the Stroz Report,
25 which was produced bearing bates number UBER00312645.

26 24. Attached as Exhibit 19 is a true and correct copy of excerpts from the October 6,
27 2017 deposition transcript of Hanley Chew.

1 25. Attached as Exhibit 20 is a true and correct copy of the October 23, 2017 Expert
2 Report of Andy Crain.

3 26. Exhibit 21 is intentionally omitted.

4 27. Attached as Exhibit 22 is a true and correct copy of the October 23, 2017
5 Supplemental Expert Report of Michael J. Wagner.

6 28. Attached as Exhibit 23 is a true and correct copy of the October 23, 2017 Expert
7 Report of Martin Rinard.

8 29. Attached as Exhibit 24 is a true and correct copy of excerpts from the August 24,
9 2017 Opening Expert Report of Lambertus Hesselink, Ph.D.

10 30. Attached as Exhibit 25 is a true and correct copy of excerpts from the September
11 14, 2017 Reply Expert Report of Lambertus Hesselink, Ph.D.

12 31. Attached as Exhibit 26 is a true and correct copy of excerpts from the August 24,
13 2017 Expert Report of Michael J. Wagner.

14 32. Attached as Exhibit 27 is a true and correct copy of excerpts from the September
15 17, 2017 Expert Reply Report of Michael J. Wagner.

16 33. Attached as Exhibit 28 is a true and correct copy of a document bearing bates
17 number UBER00017083.

18 34. Attached as Exhibit 29 is a true and correct copy of a document bearing bates
19 number UBER00006471.

20 35. Attached as Exhibit 30 is a true and correct copy of excerpts from the October 20,
21 2017 rough deposition transcript of Melanie Maugeri.

22 36. Attached as Exhibit 31 is a true and correct copy of excerpts from the August 2,
23 2017 deposition transcript of Jur van den Berg.

24 37. Attached as Exhibit 32 is a true and correct copy of Waymo's October 23, 2017
25 Amended Witness List.

26 38. Attached as Exhibit 33 is a true and correct copy of Waymo's October 23, 2017
27 Supplemental Exhibit List.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 DATED: October 23, 2017

4 /s/ Jeff Nardinelli

5 Jeff Nardinelli

6 **SIGNATURE ATTESTATION**

7 Pursuant to Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in the
8 filing of this document has been obtained from Jeff Nardinelli.

9

10 /s/ Charles K. Verhoeven

11 Charles K. Verhoeven

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